

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD KISHBACH

VS.

C.A. NO. 06-692

DAVID DIGUGLIELMO, ET AL.

ORDER

_____AND NOW, THIS 3RD DAY OF April 2006, upon consideration of the Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, and after noting that no objections to the Report were filed by Petitioner within the applicable time limits, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. This Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. section 2254, is TRANSFERRED to the United States District Court for the Middle District of Pennsylvania, in accordance with 28 U.S.C. section 2241(d);
3. Based upon the Magistrate Judge's determination that the within petition should be transferred to another venue, Petitioner

has failed to show a denial of any constitutional right, thus a certificate of appealability shall not be issued; and

4. If in its possession, the Clerk of Court shall transmit the original record to the United States District Court for the Middle District of Pennsylvania.

IT IS SO ORDERED.

/s/ CYNTHIA M. RUFE, J.

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